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ADMINISTRATION OF THE WILD FREE-ROAMING HORSE AND BURRO ACT

United States Department of Agriculture
Forest Service

United States Department of the Interior
Bureau of Land Management

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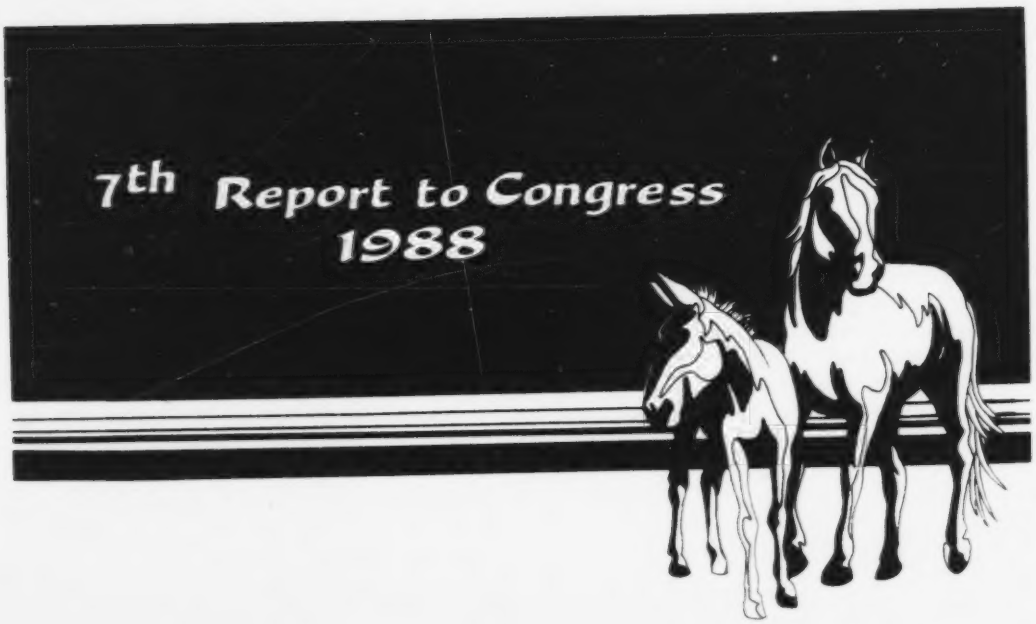

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Preface

In 1971, Congress unanimously passed legislation to protect, manage, and control wild horses and burros on the public lands. The Wild Free-Roaming Horse and Burro Act (16 U.S.C. 1331-1340) described these animals as "fast disappearing" and declared them to be "symbols of the historic and pioneer spirit of the West." The Department of the Interior, through the Bureau of Land Management (BLM), and the Department of Agriculture, through the Forest Service, are charged with administering the law.

Under Federal protection, wild horse and burro populations on BLM-administered lands, where most of the animals are located, quickly grew to a point where control became a major concern. Amendments in 1976 and 1978 addressed problems created by growing populations and the need to dispose of the animals being removed. Bills to provide sale authority were introduced in Congress in the early 1980's to respond to difficulties in disposing of excess animals. However, no new wild horse and burro legislation was enacted.

Meanwhile, the Agencies continued to plan for appropriate management levels and to make progress towards achieving those levels by removing excess animals. These actions were taken to comply with the requirement in the Act that the Secretary "shall immediately remove excess animals from the range so as to achieve appropriate management levels." The Act directs the removal of all excess animals "to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation."

Recognizing the potential for damage to public land resources by wild horse and burro populations more than twice the estimated appropriate management level, Congress provided funds for a threefold increase in removals in Fiscal Year (FY) 1985. The BLM removed 19,000 excess wild horses and burros that year, but was able to find adoptive homes for just about half that number. However, unadopted animals were not destroyed as the law directs, but were maintained by BLM because of a 1982 administrative moratorium on such destruction. About 10,000 wild horses awaited adoption in BLM's corrals and contract holding facilities as FY 1986 began. By October 1, 1985, a major expense of administering the Act was the maintenance of large numbers of unadopted wild horses removed from the range as excess.

During the 2-year period covered by this report (FY's 1986 and 1987), an attempt was made to identify more efficient approaches to administering the wild horse and burro program. Particular emphasis was placed on finding more effective methods for disposing of captured animals. As part of this effort, the Secretaries of the Interior and Agriculture established a Wild Horse and Burro Advisory Board to study the issues and recommend solutions to continuing problems in the program. After four meetings, the Board reported to the Secretaries in December 1986. The central feature of the report is a five-step process for the disposition of healthy excess wild horses and burros. The first four steps are ways to place the animals in private care; step five is humane destruction for animals unadopted after 90 days.

In April 1987, the BLM asked for public comment on a draft wild horse and burro program policy statement, which incorporated the Board's recommendations. As FY 1987 drew to a close, BLM completed its analysis of the public response and began to develop a final policy statement.

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Policy

The Wild Horse and Burro Advisory Board

The Secretary of the Interior and the Secretary of Agriculture chartered a Wild Horse and Burro Advisory Board in February 1986 to provide advice on possible solutions to problems in administering the Wild Free-Roaming Horse and Burro Act. These problems included the need to establish and achieve appropriate management levels for wild horse and burro herds on public lands, the effects of the administrative moratorium on destruction of healthy unadopted animals, and the costly maintenance of thousands of unadopted animals.

Nine distinguished individuals were appointed to the Board in May. Each member represented one of the following categories of interest:

Wild horse and burro research
Wild horse and burro management
Wildlife management
Rangeland management
Livestock management
Veterinary medicine
Humane organizations
Conservation
Public at large

The Board met four times from July to December 1986, twice in Washington, D.C., once in Reno, Nevada, and once in Ontario, California. After hearing testimony and gathering data from Government officials, interest group representatives, and the general public, the Board reported to the Secretaries. In the introduction to their report, the Board indicated that they had focused on two major problems:

1. Large numbers of unadopted horses being maintained in corrals.

2. The presence on public lands of an estimated 15,000-20,000 wild horses and burros in excess of appropriate herd management levels.

The introduction also listed what the Board considered "reasonable goals in keeping with the intent of the Act":

Preservation on the public lands of healthy herds of wild free-roaming horses and burros at appropriate herd management levels determined through the resource planning process in accordance with the principles of multiple-use land management.

Maintenance of the habitat on which these animals depend.

Humane disposition of excess animals removed from the land.

Reduction of program costs to the taxpayer.

The body of the report consisted of 21 specific recommendations in 4 major areas: (1) Disposition of Excess Animals, (2) Management, (3) Research, and (4) Legislation. The Board's first and most important recommendation presented a five-step process leading to placement of all healthy animals for which an adoption demand exists and destruction of animals not adopted after being available for 90 days. The four placement steps are discussed in the section on Removal and Disposition of Excess Animals (see pp. 7-8). All 21 recommendations of the Board are listed in Appendix A, together with the address to write to for a copy of the full report.

A New Proposal

The BLM reviewed the Board's recommendations carefully before asking the Secretary of the Interior to approve them. In March 1987, the Secretary gave his assent to the recommendations, and the BLM drafted a wild horse and burro program policy statement based on the Board's proposals.

The BLM asked for public comment on the draft policy statement in April 1987 and received about 5,000 responses during the comment period. Most comments dealt with just one issue, step five in the recommended disposition process—destruction of unadopted excess animals. The overwhelming majority opposed this step. Congress also evidenced concern over the possible lifting of the voluntary moratorium on the destruction of healthy animals. Faced with public opposition and the apparent conflict between existing law and current congressional opinion, the BLM delayed the formulation of a final policy statement, at least in part in deference to the possibility of the inclusion of a prohibition on destruction of healthy animals in the FY 1988 Appropriations Act.*

*The Appropriations Act for Fiscal Year 1988 did specify that "appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors."

Management

Herd Areas

The Wild Free-Roaming Horse and Burro Act requires that herds of wild horses and burros be managed within those areas used as habitat by these animals in 1971, when the Act was passed. These areas are called herd areas by the BLM and herd territories by the Forest Service. In accordance with the Federal Land Policy and Management Act of 1976, the Agencies use their planning processes to decide which herd areas or territories are suitable for long-term management of wild horses and burros and the appropriate management level for each. Areas where wild horses or burros will be managed are identified as herd management areas by the BLM.

How many herd areas are there? How many of these are appropriate for long-term management of wild horses and burros? In 1981, BLM reported a total of 303 herd areas. Since that time, however, discrepancies have been noted in herd area numbers reported by some States. An intensive review of pertinent resource management plans and other records of historical wild horse and burro distribution was made in order to clarify these data. Deriving a list of herd areas that were or should have been reported in 1971 or at any other specific time is difficult, due mainly to the fact that names of areas were not included in reports until 1985. The total number of herd areas reported by BLM is now 270, basically because some adjacent areas were combined and some areas were subsequently determined not to be valid herd areas because the land or animals were privately owned. Also, some areas have been transferred to the administration of the Forest Service. The number of herd areas is expected to continue to change in the future as areas are combined or divided to enhance multiple-use resource management.

Of the 270 herd areas, BLM has decided through the planning process to manage wild horses or burros in the long-term on 199 areas, known as herd management areas, and not to manage for wild horses and burros on 68 areas. There are 3 BLM herd areas where decisions had not been made as of September 30, 1987.

The Forest Service administers 43 herd territories where wild horses and burros are managed, including 11 comprised of lands under its jurisdiction as well as lands under the jurisdiction of the BLM. (The BLM is the lead agency on another eight herd areas containing both Forest Service and BLM lands. These eight areas are included in the 270 herd areas referred to above.)

The objectives for each herd management area or territory must be documented in a herd management area plan (HMAP) or territory plan. The BLM completed 5 HMAP's in FY 1986 and 8 more in FY 1987, bringing the total to 84. (Higher totals reported in previous years may have resulted from inclusion of plan revisions and amendments in HMAP accomplishments recorded by some States.) The Forest Service completed 5 management plans in 1986 and 1987, making a total of 31.

Appropriate management levels are being established for each herd management area. This number represents the median herd size. Herds are typically permitted to fluctuate to a prescribed degree above and below the appropriate management level, allowing the removal of excess animals at intervals of from 3 to 5 years. For BLM, the appropriate management levels have been determined for 189 herd management areas. (In Nevada, these are interim numbers, pending the results of monitoring.) With planning nearly complete, the estimated appropriate management levels for BLM and for the Forest Service are shown below.

Estimated Appropriated Management Levels

	BLM	Forest Service
Horses	27,080	1,225
Burros	3,127	350
Total	30,207	1,575

Several figures help to provide a more complete picture of progress in the wild horse and burro program. The graphs in Figures 1 and 2 illustrate population trends from 1974 to 1988. The State-by-State biennial population estimates for the BLM and the Forest Service are shown in Appendixes B and C.

Appendixes D and E display the State-by-State wild horse and burro program accomplishments of the Forest Service and the BLM for FY's 1986 and 1987. Appendix F is a summary of BLM herd area data, showing pertinent information for all herd areas by State. The data in Appendix F concerning the appropriate management level and herd area status have been determined through the Bureau planning process on an area-by-area basis, not on a national or Westwide level. Several opportunities exist in the planning process for public input and comments.

FIGURE 1

Wild Horses and Burros on BLM Herd Areas

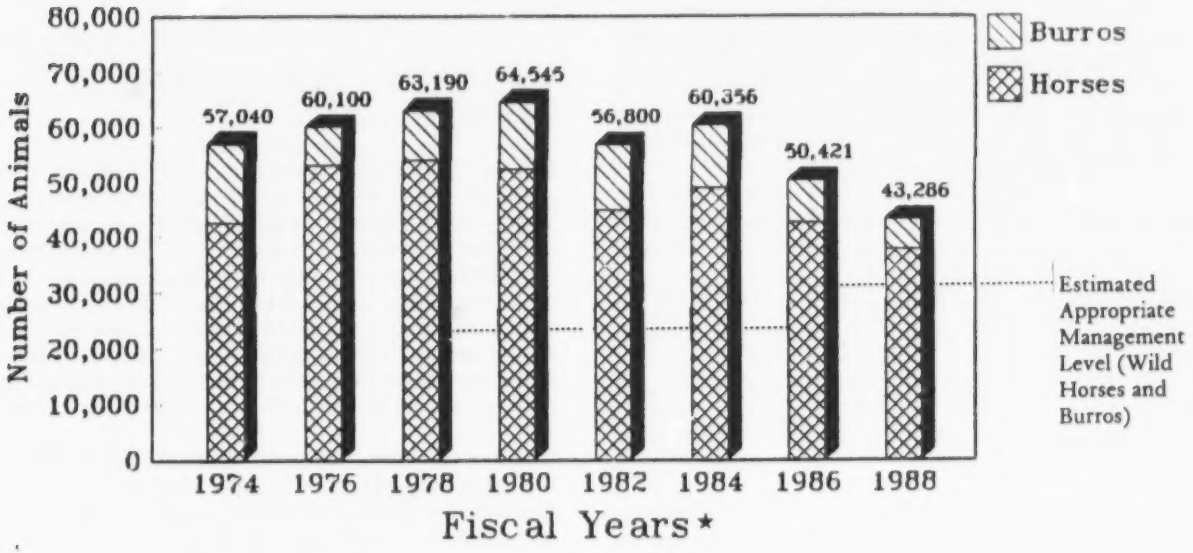
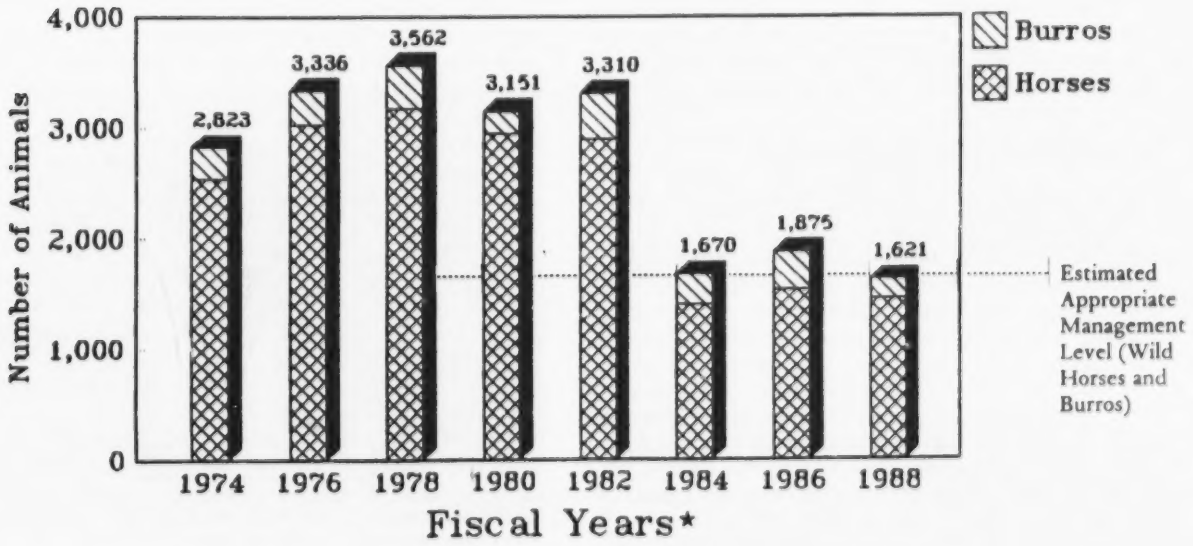


FIGURE 2

Wild Horses and Burros on Forest Service Herd Territories



* Population numbers are as of the beginning of the fiscal year.

Regulations

Another significant accomplishment in FY 1986 in the BLM wild horse and burro program was publication of final rulemaking that reorganized, streamlined, and clarified the existing wild horse and burro regulations. The scope of the regulations was expanded to address all aspects of the program, including protection, management, and control of free-roaming animals, as well as protection and disposition of excess wild horses and burros.

Requirements were incorporated that herd management activities, including the delineation of herd management areas, determination of herd size, and implementation of range improvements, must be based on approved resource management plans. Standards for vehicles used in transporting wild horses and burros were established to ensure that the animals are humanely handled and that transport is in accordance with local, State, and other applicable laws.

The regulations on private maintenance of excess animals were expanded to incorporate all of the requirements for adoption, including fees, qualifications of adopters, conditions for care and treatment of the animals, and conditions for obtaining replacement animals. Application for title was made mandatory and combined with the Private Maintenance and Care Agreement (adoption agreement), streamlining the titling process and reducing the amount of paperwork required.

Finally, acts prohibited by the regulations were clarified and expanded to include violation of any of the terms or conditions of the Private Maintenance and Care Agreement, which each adopter must sign.

Technical Program Review

In FY 1987, BLM conducted a technical review of the wild horse and burro program. During the previous 3 years, the expansion of removals and adoptions had made it apparent that some procedures for capturing, transporting, preparing, maintaining, and finally adopting wild horses and burros, required revision. Many of the existing procedures, while adequate when dealing with fewer animals, were not effective for handling the large number of animals removed from public lands since FY 1985. To determine which procedures were inadequate and develop improved procedures where needed, BLM conducted a technical program review in January 1987. Thirty-two recommendations to enhance program procedures were proposed. These recommendations will be incorporated in wild horse and burro program guidance to be developed in FY 1988.

Wild Horse and Burro Information System

During FY 1987, BLM neared completion on development of the wild horse and burro disposition database, the first of four databases that will comprise a comprehensive computerized wild horse and burro information system. For every wild horse or burro gathered after September 30, 1986, information about the animal, its capture site, processing, disposition, etc., will be available from the time it is captured until the time it is released back to the range or loses its status under the Act through death or titling.

Three other databases will contain information on the following topics: (1) herd area and population characteristics, (2) adoption applicants, and (3) wild horse and burro events. Implementation of the complete wild horse and burro information system will allow quick access to reliable data needed for decision-making and for responding to inquiries about the program.

A database containing a bibliography of more than 800 wild horse and burro references was developed for use by BLM personnel and other interested parties. Because it exists as a database, rather than a printed document, this bibliography is capable of continual growth and will be a storehouse of both old and new wild horse and burro references.

This alert stallion on the Pine Nut Mountains is one of 27,000 wild horses in Nevada, where more than two-thirds of America's wild horses are found.

Contracts

The BLM administered contracts in three areas of importance to the overall wild horse and burro program during FY's 1986 and 1987: maintenance facilities, research, and marketing.

Wild Horse Maintenance

The BLM sought proposals for new contracts for wild horse maintenance for FY 1988 because the original contracts were scheduled to expire at the end of FY 1987. A protest by one of the bidders delayed the final award, and it was necessary to extend the existing contracts into FY 1988. Following resolution of the protest, two new contracts were awarded on December 1, 1987, with a startup date of January 1, 1988. The new contracts were awarded to two existing facilities, one in Bloomfield, Nebraska, and one in Lovelock, Nevada. Specifications in the contracts were carefully designed to ensure humane treatment of the animals.

When the BLM first contracted for the maintenance of excess wild horses in 1985, it was decided as a matter of policy to maintain the animals in corrals, where they are more easily controlled and accessible for sorting, veterinary care, loading and unloading, and shipment to adoption centers. In requesting bids for the contracts awarded in December 1987, BLM again decided to maintain the animals in corrals.*

Maintenance contract costs are shown in the Funding and Expenditures section (see p. 13).

Research

Contracts for two research projects remained in effect during FY 1987. One, investigating paternity patterns and genetic relationships in selected horse herds, had as its objective to determine the extent of paternity by the lead stallions in breeding bands of wild horses and the extent of genetic diversity among horses within herds. This information will enable evaluation of the extent of inbreeding in horse herds and the possible effectiveness of stallion-focused methods of fertility control. Collection of data was completed in the fall of 1986. The final report was delivered early in FY 1988.

The other research contract dealt with methods of fertility control in wild horses. Pen trials were conducted in 1986 and early 1987 to determine effective compounds, dosages, and methods of implantation for estrus control in mares. Based on the results of these trials, 50 mares in each of 2 herds were implanted, marked, and fitted with radio-transmitter collars.** Another 50 mares in each of 2 herds were marked and implanted with empty carriers to serve as controls. Foaling rates in the treated and control bands will be monitored for 3 years and compared to estimate effects on reproduction. Additional data on band composition and stability will be available as well.

The efficacy of stallion-focused fertility management is being studied in two other herds. In each of these herds, dominant stallions from 20 bands were captured, vasectomized, marked, and released. Foaling rates in these bands will be compared to rates in untreated control bands.

Marketing

A marketing study of the adoption program was prepared in response to one of the recommendations made by the Wild Horse and Burro Advisory Board. A contract for this study was awarded in April 1987, and the study was completed in July.

The study contained recommendations for both long-term and short-term program improvements. Suggestions for immediate improvements ranged from a flexible pricing strategy with fees set by field offices in conformance with local market values to location of satellite adoption sites for use on a regular rotation basis; from expansion of use of paid advertising to authority for an "800" telephone number for adoption information. The chief long-range recommendation was for a study of existing adopters to target promotional activities better and increase the effectiveness of marketing efforts. As FY 1987 ended, the marketing study was under review, and a strategy for implementing the most cost-effective recommendations was scheduled for development in FY 1988.

*Early in FY 1988, BLM began the process of seeking facilities for FY 1989, with renewal options for an additional 2 years. After careful review of costs and other practical considerations associated with maintaining animals in pasture conditions, BLM once more requested proposals for maintaining animals in corrals.

**During the period covered by this report (FY's 1986 and 1987), the research proceeded smoothly. Early in FY 1988, problems arose with some tracking collars that apparently had been attached too tightly. At about the same time, 48 horses in the study died when they were unable to find their way back to the herd area from which they had been gathered. Steps were taken to remedy the problems with the collars and to avoid future occurrences that could lead to the injury or death of the horses in the research project.

Removal and Disposition of Excess Wild Horses and Burros

The Act requires the immediate removal from the public lands of wild horses and burros determined to be excess animals. When the wild horse or burro population in a particular area is greater than the appropriate management level for that area, the number of animals above that level is considered to be in excess. As noted previously, removals from individual herd areas generally occur at intervals of 3 to 5 years. The table below shows the number of excess animals removed in FY's 1986 and 1987.

	FY 1986		FY 1987	
	BLM	FS	BLM	FS
Horses	8,843	147	10,248	159
Burros	1,283	0	1,273	18
Total	10,126	147	11,521	177

As amended in 1978, the Act specifies the following order and priority for the removal of excess wild horses and burros:

> "(A) The Secretary shall order old, sick, or lame animals to be destroyed in the most humane manner possible;
>
> "(B) The Secretary shall cause such number of additional excess wild free-roaming horses and burros to be humanely captured and removed for private maintenance and care for which he determines an adoption demand exists by qualified individuals and for which he determines he can assure humane treatment and care . . .; and
>
> "(C) The Secretary shall cause additional excess wild free-roaming horses and burros for which an adoption demand by qualified individuals does not exist to be destroyed in the most humane and cost efficient manner possible."

However, since 1982 the BLM and the Forest Service have maintained a voluntary moratorium on destruction of healthy animals. This moratorium was imposed initially to allow the Agencies to gauge the effect of uniform adoption fees on adoption demand. The fees were established in 1982 in response to recommendations by the Office of Management and Budget and a congressional subcommittee that the adoption program should recover a greater portion of the cost of placing the animal in private care. When the fees took effect, adoption demand lagged behind removals and animals began to accumulate in BLM's corrals. The moratorium has remained in place while alternatives to destruction have been sought.

In FY's 1986 and 1987, nearly 3,000 animals were destroyed as old, sick, or lame. More than 20,000 wild horses and burros were placed in private care through the adoption program during this 2-year period: 7,600 in FY 1986 and 12,776 in FY 1987. Figure 3 summarizes adoptions by the adopter's State of residence. These numbers reflect all animals placed through BLM's Adopt-A-Horse Program, including most animals removed from National Forest lands. However, a few animals each year are placed in private care directly by the Forest Service; in FY's 1986 and 1987, the Forest Service adopted a total of 17 wild horses and burros.

Because of the moratorium on destruction of healthy wild horses and burros, unadopted animals were maintained in BLM's corrals and contract facilities. At the beginning of FY 1986, there were about 10,000 excess wild horses being maintained by BLM; 2 years later this number had been reduced to approximately 7,000. Fee waiver adoptions were responsible for this progress.

Since May 1984, BLM's adoption program has operated under a two-tier fee structure. The regular adoption program involves a fee of $125 per horse and $75 per burro. Just about every healthy excess burro can be placed at full fee. Experience has shown, however, that many excess wild horses remain unadopted because of age or other characteristics perceived by adopters as undesirable, such as poor conformation, temperament, etc.

The Director of the BLM was authorized in 1984 to waive or reduce the fee for animals that are unadoptable when the full fee is charged. The BLM policy in implementing this regulation has been to require a minimum of 100 animals in these transactions in order to maximize the savings to the Government and to avoid interfering with the regular adoption program. However, in unusual cases, exceptions can be made to the 100-animal minimum.

In FY 1986, fee waivers accounted for about one-third of all adoptions, and in FY 1987, fee waivers rose to nearly two-thirds of the total number of placements.* For the 2-year period, the regular adoption program was responsible for nearly half of all adoptions—about 5,000 in FY 1986 and 4,100 in FY 1987.

* In April 1988, recognizing the serious concerns many people had in regard to fee waiver adoptions, BLM suspended indefinitely processing fee waiver applications except for those from nonprofit groups engaged in providing care for unadopted excess wild horses and burros. In September 1988, BLM terminated the fee waiver program.

In the full-fee (regular) adoption program, satellite adoptions continued to be the primary vehicle for placing wild horses and burros in private maintenance. In FY 1986, there were 60 satellites; in FY 1987, there were 71. A typical satellite adoption is held on a weekend, in an area where sufficient adoption demand has been identified to place 50 to 100 animals in private care. For satellite adoptions, wild horses and burros are transported to locations not convenient to the permanent centers where animals are available year-round. Centers open all year include six facilities owned and operated by BLM, as well as three contract centers—one in Pennsylvania, one in Tennessee, and one in Texas. Adoption center contractors also help in the operation of satellite adoptions.

The Five-Step Process

The disposition of excess wild horses and burros was the subject of the central recommendation of the Wild Horse and Burro Advisory Board. The Board arrived at the following five-step process for disposition of excess animals:

"1. Regular adoption program at full fees.

"2. Special adoptions at altered fees.

"3. Training of horses at prisons by inmates, with the trained animals to be made available for adoption. Animals not adopted within 30 days after training should be handled through steps 2 and 4, and if not adopted within 30 days, destroyed in accordance with step 5.

"4. Placement of horses on private sanctuaries, with the animals maintained with non-Federal funds.

"5. Euthanasia for any animal not disposed of within 90 days following BLM's certification of its availability for adoption."

The first two steps encompass the regular adoption program and various fee modifications, such as the fee waiver program described above. Another aspect of step two as discussed by the Board was to test adoption demand for older animals within the regular adoption program but at reduced fees. In 1987, BLM's Eastern States Office was successful in placing some selected older horses at two satellites at reduced fees, but it is doubtful that this approach will significantly increase the total number of animals adopted.

Step three is the gentling of wild horses by prison inmates to increase the animals' chances of being

Figure 3—Summary of Wild Horses and Burros Adopted (by State of Residence of Adopters)

State	FY'S 1985-1987		Total (FY's 1972-1987)	
	Horses	Burros	Horses	Burros
ALABAMA	156	18	729	136
ALASKA	4	0	53	8
ARIZONA	400	129	958	671
ARKANSAS	211	41	625	87
CALIFORNIA	1,046	365	6,769	2,909
COLORADO	413	4	2,201	322
CONNECTICUT	12	10	34	22
DELAWARE	8	1	10	7
FLORIDA	512	39	898	380
GEORGIA	282	7	723	153
HAWAII	0	0	0	0
IDAHO	71	46	3,082	138
ILLINOIS	157	27	615	158
INDIANA	86	9	422	135
IOWA	767	13	1,570	585
KANSAS	211	56	1,175	168
KENTUCKY	81	54	789	261
LOUISIANA	389	5	972	94
MAINE	5	4	31	16
MARYLAND	53	30	206	109
MASSACHUSETTS	55	35	79	45
MICHIGAN	88	86	457	220
MINNESOTA	105	53	445	140
MISSISSIPPI	453	49	1,034	151
MISSOURI	164	69	1,343	232
MONTANA	1,280	0	3,286	96
NEBRASKA	1,101	32	1,782	559
NEVADA	232	22	1,713	242
NEW HAMPSHIRE	24	6	46	18
NEW JERSEY	25	6	69	57
NEW MEXICO	199	18	789	87
NEW YORK	23	35	221	251
NORTH CAROLINA	213	36	656	152
NORTH DAKOTA	1,108	0	1,590	21
OHIO	166	116	656	253
OKLAHOMA	1,213	38	4,245	196
OREGON	92	56	4,297	346
PENNSYLVANIA	351	98	1,205	317
RHODE ISLAND	6	0	12	0
SOUTH CAROLINA	71	14	480	76
SOUTH DAKOTA	3,747	13	5,626	78
TENNESSEE	302	261	1,797	751
TEXAS	1,362	315	7,357	1,326
UTAH	203	19	1,892	68
VERMONT	20	10	24	10
VIRGINIA	34	34	350	140
WASHINGTON	110	97	1,899	656
WEST VIRGINIA	26	15	143	105
WISCONSIN	200	29	461	207
WYOMING	116	3	2,139	70
DIST. OF COLUMBIA	0	0	3	0
TOTAL	17,953	2,423	67,958	13,229
TOTAL ANIMALS ADOPTED			81,187	

adopted. Beginning in 1986 with a pilot program at a correctional institution at Canon City, Colorado, the prison training program expanded to two more States—California and New Mexico—by the end of FY 1987. Other States are considering similar programs. Initial results from Colorado were encouraging, and the program received considerable attention and praise for the benefits to the inmates as well as the animals.

The Board's sanctuary concept (step four) seemed quite promising at first and aroused considerable interest. However, by the end of FY 1987, nothing had developed beyond the planning stage. Several individuals investigated the possibility of establishing a sanctuary or a sanctuary system, but most proposals would have required at least some Federal funding. This would be contrary to the Board's intent, since a major objective of step four was to reduce the cost to the Government of maintaining excess wild horses.*

Promoting the Adoption Program

Publicity efforts for the regular adoption program vary from satellite-specific campaigns to national advertising to increase awareness of the program. State Office publicity campaigns for satellite centers make intensive use of posters, fliers, displays, and media interviews. National public affairs efforts for the adoption program have centered on the production and distribution of national and local television, radio, and print media public service announcements (PSA's). These PSA's, which are carried by the media at no charge, appear in a variety of publications and on the electronic media with a fair amount of regularity. During the period covered by this report, a particularly successful series, in terms of response received, consisted of three radio PSA's featuring television personality Willard Scott.

One of the recommendations of the Wild Horse and Burro Advisory Board was that BLM use paid advertising, in addition to PSA's. The use of paid advertising must be approved by the Department of the Interior. In FY 1987, BLM obtained special permission from the Department to place full-page paid advertisements in two major horse-related publications, *Equus* and *Western Horseman*. Even though the mail response to these ads was substantial, it is impossible to assess the effect on the rate of adoption because there is no way of knowing how many respondents who asked for adoption information eventually adopted wild horses or burros. What is known is that the overall level of regular adoptions did not increase.

Several special events also promote the adoption program each year, such as the annual Wild Horse and Burro Days celebrations at the Tennessee and Pennsylvania adoption centers and the Wild Horse and Burro All-American Expo at Bob Evans Farm in Ohio over the Fourth of July weekend. During FY 1986, Disneyland included several wild burros as part of a new attraction, the Big Thunder Ranch, which is a re-creation of a working horse ranch of a century ago. The visibility of the BLM burros at Disneyland provides valuable publicity for the entire adoption program. The Disneyland burros are also available for adoption.

Titles

Until 1978, adopted wild horses and burros remained the property of the United States until they died. As part of the Public Rangelands Improvement Act of 1978, Congress provided for the transfer of title to up to four animals per year to adopters who had cared for the animals humanely for 1 year. This provision was intended to increase adoption demand by providing the ownership of the animals to adopters after they had demonstrated the ability and willingness to care for the animal properly. With passage of title, the animal loses its status as a wild horse or burro, and the Federal Government has no further responsibility for the animal under the Wild Free-Roaming Horse and Burro Act.

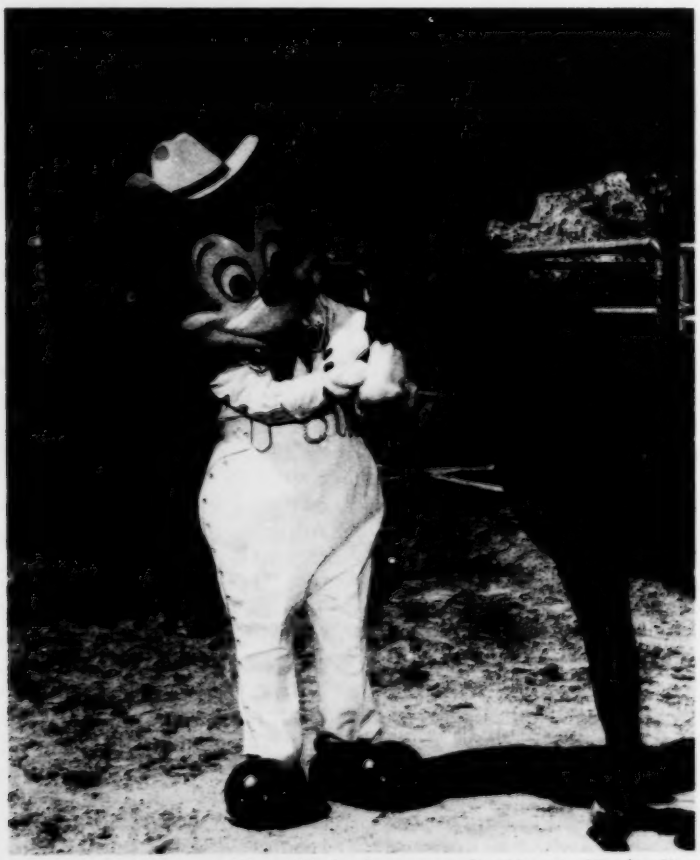
* Prospects for sanctuaries improved in 1988 when the appropriations act for the Department of the Interior indicated "no objections to the Bureau investigating proposals for private sanctuaries . . . and implementing proposals which are both humane and cost effective." The first sanctuary for unadopted excess wild horses was established in western South Dakota in summer 1988.

The first titles were issued in 1980, and by the end of FY 1987, 37,000 titles had been issued, including 5,933 in FY 1986 and 4,652 in FY 1987. This means that slightly more than half the animals eligible for titling have been titled. In FY 1986, BLM surveyed 2,100 recently eligible adopters who had not applied for title to learn why they had not availed themselves of the opportunity. The response to the mailing was small, with only 45 adopters responding. (Of the total sent, 114 letters were returned as undeliverable.) Adopters who responded generally expressed interest in receiving title. Their responses are tabulated below:

Kind of Response	Number of Respondents
1. Not interested in title	1
2. Veterinarian cost too high	1
3. Already received title	4
4. Already applied for title	4
5. Requested that necessary forms be sent	32
6. Still intend to apply, but later	1
7. No longer have the animal	2
Total	45

As previously stated, the revised regulations published by BLM in 1986 simplified the titling process by requiring adopters to apply for title at the time of adoption. At the end of 1 year, BLM notifies the adopter by mail that he or she is eligible to receive title to the adopted animal by having a qualified person (other than the adopter) certify in writing that the wild horse or burro has received humane care.

The Wild Horse and Burro Advisory Board recommended an additional step to facilitate titling. The recommendation was that titles should be issued automatically after 1 year, "unless complaints of inhumane care or conditions are registered to BLM or humane officials." This recommendation was included in BLM's draft policy statement.



A burro that once roamed the public lands seems quite at home with a familiar figure at Disneyland's Big Thunder Ranch. (Photo courtesy Disneyland '86)

Compliance/Enforcement

By law, the Secretaries must protect wild horses and burros on the range and assure humane care and treatment for wild horses and burros placed in private care. Protection on the range is best achieved by prompt investigation and vigorous prosecution of illegal activities involving wild free-roaming horses and burros.

The assurance of humane care and treatment of adopted wild horses and burros rests on three bases: pre-adoption screening of all applicants, legal penalties for violation of the Private Maintenance and Care Agreement (PMACA) signed by the adopter, and post-adoption compliance activities carried out by the BLM and the Forest Service. (Since most wild horses and burros are on land administered by BLM and almost all adoptions are completed by that Agency, compliance activities are undertaken almost exclusively by BLM or by local humane associations in cooperation with BLM.)

Once a wild horse or burro is adopted, the adopter is responsible for providing humane care and treatment for the animal according to the terms and conditions of the PMACA. In situations involving fewer than 25 animals, the BLM normally relies on private individuals and humane groups to report instances of inhumane treatment or neglect. The BLM investigates all such reports and takes whatever action is appropriate. Violations are often the result of lack of knowledge of proper care or unusual circumstances, e.g., severe weather conditions, rather than willful abuse. In most instances, therefore, the appropriate action is to require the adopter to remedy the problem by taking specific corrective actions within a reasonable time. If the adopter has not corrected the deficiencies by the time a followup inspection is made, the animal may be repossessed and a citation issued.

When an adopter receives more than 24 animals or when more than 24 will be maintained at a single location, BLM conducts at least one on-the-ground compliance inspection within 12 months of the adoption, in addition to the final inspection just prior to titling. Because of the volume of fee waiver adoptions in FY's 1986 and 1987 and the small number of complaints about treatment of animals adopted at full fee, the overwhelming majority of BLM's compliance efforts were mandatory inspections of large-scale adoptions.

In FY 1986, BLM carried out post-adoption inspections covering 1,325 adopters: 265 who had adopted at full fee and 1,060 fee waiver adopters. The next year, wild horses and burros in the care of 346 regular adopters were inspected, in addition to 2,510 fee waiver adopters, for a total of 2,856 inspections. The doubling of the number of adopters involved in compliance inspections from FY 1986 to FY 1987 reflects the volume of fee waiver adoptions. (In the case of fee waiver adoptions, the total number of inspections does not represent separate inspection trips, since animals adopted by many individuals are usually maintained at one location.)

In FY's 1986 and 1987, three cases involving harassment, capture, or killing of free-roaming wild horses and burros and six cases involving adopted animals were referred to the U.S. Attorney for prosecution. The three incidents on the public lands included one case where horses had been shot, one case of harassment, and one case of illegal capture of a wild horse.

In the shooting of four wild horses on public land in Wyoming, the perpetrator was unknown, and prosecution was declined because of insufficient evidence. The individual responsible for the harassment of five wild burros in Nevada was issued a citation by the U.S. Attorney. The subject pleaded guilty and received 1 year of probation and a $250 fine. In another Nevada case, the U.S. Attorney declined to prosecute the person who captured a wild horse illegally because only one horse was involved. A complaint was then filed under State law, and the subject was arrested and found guilty. He received a sentence of 1 year's probation and a fine of $250.

In regard to adopted animals, situations that BLM referred to the U.S. Attorney included two instances where animals were alleged to have been sold prior to the granting of title. One case in Wyoming involved more than 200 animals, but there was insufficient evidence to warrant prosecution. In the second case, one wild horse was sold in Oregon; however, the U.S. Attorney declined to prosecute, and the case is now closed.

The BLM charged three adopters with inhumane treatment or abuse. A Wyoming adopter was found guilty and fined. In another case, two surviving wild horses out of four adopted were repossessed, and charges of inhumane treatment (starving) were brought against the adopter. Prosecution was deferred to the State of Florida in this case, which was pending at the end of FY 1987. In Montana, abuse was alleged in connection with deaths occurring in a feedlot where adopted horses were being maintained, but the U.S. Attorney declined prosecution

when laboratory tests resulted in inconclusive evidence as to the cause of the deaths. The U.S. Attorney also decided there was insufficient evidence for prosecution when three adopted wild horses were shot and killed in North Dakota in a situation where the horses allegedly trespassed onto land not owned by the adopter.

Adoption demand for wild burros is high, so these at BLM's contract adoption center in Cross Plains, Tennessee, found homes quickly. Unfortunately, it is not so easy to place all the excess wild horses in private care.

Litigation

Five suits challenging some aspect of the Department of the Interior's administration of the Wild Free-Roaming Horse and Burro Act were pending at the start of the period covered by this report, and one new suit was filed in 1986. Another case remains inactive.

One of the five pending suits was resolved by an order of dismissal in February 1986. The following year, litigation filed in 1979 was brought to a conclusion when the Supreme Court let stand without comment an appeals court decision overturning a ruling that had held the Federal Government responsible for damages to private land by wild horses. Other issues in this case had been settled previously.

In 1985, two humane organizations alleged cruel and inhumane treatment of wild horses and burros in connection with the roundup, possession, and transportation of the animals by BLM. Directed by the court to negotiate a settlement, the parties reached agreement on all points except the large-scale adoption of horses under fee waivers. In July 1987, the U.S. District Court for Nevada enjoined BLM from adopting animals or transferring titles to adopters who have "expressed to the Secretary an intent, upon the granting of title, to use said animals for commercial purposes." While the BLM proceeded to comply with the court order, the Department of Justice filed a protective notice of appeal on behalf of the Department of the Interior. This case remained open as FY 1987 ended.

The remaining three active cases were filed over a 5-year period by a family in Nevada. Two of the suits were closely related, and in one, the plaintiffs successfully sought to set aside the BLM's land use planning decision for managing wild horses on the Reveille Allotment. The BLM complied with a November 1986 court ruling that the Agency determine an appropriate management level for the herd area and remove excess animals. In January 1987, the Department of Justice filed a notice of appeal on behalf of the Department of the Interior.

Meanwhile, representatives of the BLM and the plaintiffs began negotiations in an attempt to arrive at an overall settlement of the issues in two of the three lawsuits. By the end of the fiscal year, substantial progress had been made in this effort, and on October 1, 1987, a memorandum of understanding was signed by all parties, agreeing to take the necessary legal steps to effect a stipulated settlement. In the third suit, there were no developments in FY 1987 in the plaintiffs' pursuit of judicial review of an Interior Board of Land Appeals decision regarding range improvement modifications that excluded wild horses from using privately owned water located on public land.

Appendix G contains more detailed summaries of the seven cases referred to in this section.

Funding and Expenditures

Funds for wild horse and burro management are made available to BLM by direct annual appropriation within the Management of Lands and Resources account, and by indefinite appropriation of adoption fee receipts collected in the Service Charges, Deposits, and Forfeitures account. Two BLM subactivities, Wild Horse and Burro Management and Adopt-A-Horse (or Burro), are funded from these sources. Funding levels for BLM's Wild Horse and Burro Management account and corresponding Forest Service appropriation levels are shown below:

	Appropriated Amount	
Fiscal Year	FS	BLM
1972		$ 0
1973		400,000
1974		687,000
1975		1,314,000
1976		1,272,000
1977		2,679,000
1978		4,025,000
1979	$435,000	4,250,000
1980	450,000	4,582,000
1981	400,000	5,704,000
1982	310,000	5,418,000
1983	570,000	4,877,000
1984	293,000	5,766,000
1985	175,000	17,039,000
1986	262,000	16,234,000
1987	280,000	17,936,000

The Adopt-A-Horse (or Burro) account is funded through annual appropriation of adoption fee receipts. Funds collected but not expended in one year can be carried over for use in the following year. Receipts and expenditures for FY's 1985, 1986, and 1987 are shown below. (FY 1985 figures are provided for comparison.)

	Fiscal Years		
	1985	1986	1987
		($000's)	
Receipts	$ 676	$ 557	$ 506
Expenditures	551	1,299	204

The average fee collected for animals placed in adoption was $73 in FY 1986 and $39 in FY 1987, compared to $73 in FY 1985. The low level of collection compared to the standard adoption fees of $125 for horses and $75 for burros reflects that fees were waived or reduced for an increasingly large percentage of animals placed in adoption since 1984 when such reduction or waiver was incorporated in the regulations.

BLM expenditures for Wild Horse and Burro Management for FY's 1986 and 1987 are shown below, with FY 1985 figures included for comparison. Because of changes in the descriptions of some program elements and the method of allocating overhead costs, the figures for FY 1985 have been modified slightly from those published in the Sixth Report to Congress.

	Obligations by Fiscal Year ($000's)		
Activity	1985	1986	1987
Program Management	$ 1,507	$ 1,991	$ 1,784
Research	1,056	256	307
Management Plans	388	262	239
Project Development	276	133	224
Inventory	140	161	156
Monitoring	306	473	684
Removal of Excess Animals	2,411	1,970	1,898
Long-Term Maintenance of Excess Animals	3,600	6,218	6,854
Disposition of Excess Animals	7,075	4,572	5,574
Compliance and Enforcement	140	194	200
Total, Wild Horse and Burro Management	$16,899	$16,230	$17,920

Starting in FY 1987, costs of maintaining excess animals in long-term contract corral facilities were aggregated separately from disposition costs, to allow more accurate tracking of these costs. Corresponding cost breakdowns for FY's 1985 and 1986 have been estimated for comparison purposes. These costs are only a portion of the BLM's total maintenance costs, however, because the maintenance of animals during their initial processing and their stays at contract or BLM adoption centers is not included. The long-term maintenance costs for FY 1985 are further understated because the contract facilities were not procured until approximately midyear; maintenance costs for the first half of that year are included under disposition. Total expenditures for maintenance of excess animals, including long-term and temporary centers, are estimated at $5.6 million in FY 1985; $9.5 million in FY 1986; and $8.0 million in FY 1987.

Program management costs are now aggregated separately. Previously, they had been spread across

the individual activities on a proportional basis. Program management costs include managerial direction, policy development, training, office operations, and personnel transfer costs.

Costs of issuing titles to adopted animals (typically $40,000 to $50,000 per year) are no longer shown separately, but are now included as a disposition cost. Disposition costs also include those associated with processing, maintaining (except at long-term contract facilities), transporting, providing veterinary and farrier care to, and adopting excess animals; and destroying old, sick, and lame animals.

Research obligations in FY 1985 responded to a requirement in that year's appropriation that $1 million be expended on studies on wild horse or burro population dynamics, historical numbers, or rates of increase. Expenditures in FY's 1986 and 1987 were required to supplement contracts funded in FY 1985, primarily a study on fertility control in wild horses. These studies were discussed earlier in the section on research contracts.

Looking Towards the Future

The primary goal for the wild horse and burro program in the immediate future is to reach appropriate management levels. The Forest Service has nearly achieved this goal. Until BLM reaches these levels, a disproportionate amount of energy and of funding must be spent trying to resolve problems directly or indirectly attributable to the presence of excess numbers of wild horses and burros on the public lands. Once achieved, management levels will allow more efficient and cost effective administration of the Wild Free-Roaming Horse and Burro Act, while defusing much of the controversy that now surrounds the program. When population levels are reached, the removals needed to maintain those levels will more closely approximate adoption demand, and the problems associated with maintenance and disposition of unadoptable animals will be virtually eliminated.

The BLM expects to reach appropriate management levels within the next few years, probably in FY 1991. Major variables that will affect the timing of this accomplishment are funding levels and the number of excess animals to be maintained. As noted earlier in this report, BLM attempted to reduce the costly maintenance of unadopted wild horses by a proposal to lift the 1982 administrative moratorium on the humane destruction of unadopted excess wild horses and burros. But public comments and a congressional prohibition on destruction of healthy animals with FY 1988 funds led BLM to delay issuing a final wild horse and burro policy statement. In essence, then, although BLM reduced the number of animals in holding facilities, the Agency entered FY 1988 facing the same obstacle to prudent management as at the beginning of FY 1986: the costly maintenance of unadopted excess wild horses.

In the Wild Free-Roaming Horse and Burro Act, the Congress directs the Secretaries to include in the biennial report "recommendations for legislative or other actions . . ." In the Fifth Report to Congress, the Secretaries expressed support for legislation to provide sale authority. Sale authority was not enacted, and the Sixth Report spoke of exploring "other options to enable more efficient operation of the wild horse and burro program." Those options were developed through the efforts of the Advisory Board and proposed in BLM's new policy statement.

Today, the Congress opposes implementation of the provision in the Act regarding destruction of unadopted excess wild horses and burros. In this Seventh Report, the Secretaries recommend that Congress provide legislative authority to facilitate the establishment of wild horse sanctuaries on private land as an alternative method of disposition of excess animals. Further, after a decade and a half of controversy and conflicting signals from the Congess and the courts, the Secretaries recommend oversight hearings on the Wild Free-Roaming Horse and Burro Act and its administration. It is time to re-evaluate this legislation as a basis for humane and cost-effective protection, management, and control of wild horses and burros in the broader context of overall public land management. Meanwhile, the Department of the Interior and the Department of Agriculture will continue to administer the existing law as efficiently as possible within the constraints imposed by the Congress, by the courts, and by the availability of funding and personnel.

In many parts of the West, the land that provides habitat for wild horses and other living creatures is a rocky landscape with sparse forage.

Appendix A.

Wild Horse and Burro Advisory Board Recommendations

The Board made 21 recommendations in 4 major areas.

Disposition of Excess Wild Horses and Burros

A. That the Secretary implement the five-step process recommended by the Board, which provides several opportunities for disposition of the excess animals, and subsequently evaluate it. The five steps are: (1) the regular adoption program at full fees; (2) special adoptions at altered fees; (3) training of horses by prison inmates, with trained animals then made available for adoption; (4) placement of horses on private sanctuaries maintained with non-Federal funds; and (5) euthanasia for any animal not disposed of within 90 days of availability for adoption.

B. That the agencies continue the current adoption fees of $75 per burro and $125 per horse, with variances to be made administratively to resolve specific placement problems. The agencies should also periodically compile a study of the grade horse market in relation to adoption fee levels.

C. That the concept of private sanctuaries for wild horses and burros be explored further and encouraged by and receive assistance (but not funds) from BLM and the Forest Service to monitor the efforts and establish a system of accountability for the animals.

D. That old, sick, or lame wild horses and burros be disposed of humanely in the field whenever possible, with a veterinarian determining the need for destruction.

E. That BLM review the existing policy and establish specifications to ensure that equipment used to transport wild horses minimizes the risk of injury to the animals, yet is reasonably cost effective.

F. That BLM require and constantly urge its employees, as well as contractors, to carry out quality control to maintain equipment to prevent and minimize risks of injury to horses and burros processed for adoption. BLM should also review veterinary contracts to assure they require appropriate techniques and medications.

G. That BLM seek the assistance of a marketing expert to review the strategy and publicity efforts to place excess animals through adoption. The BLM also should develop an aggressive adoption policy and seek approval for use of paid advertising when free advertising cannot be obtained.

H. That the adopter be given certificate of title I year after the adoption date, thus automatically conveying title unless complaints of inhumane care or conditions are registered to BLM or humane officials.

Management

A. That BLM and the Forest Service continue to establish appropriate herd management levels through their existing resource management planning processes. The agencies should increase their effectiveness in using the planning process.

B. That fertility control, if available and practicable, be used on a temporary basis where deemed necessary in specific herd management areas.

C. That excess animals be removed in the following priority:

1. from private lands when requested by the landowner, and

2. from the public lands where resource degradation is the most significant.

D. That the agencies endeavor to develop and utilize more reliable inventory methods for wild horses and burros, recognizing habitat differentials.

E. That the rate of herd increase be established for each herd area through repeated censusing of the herd, undertaken at the same time of year and using the same technique each time.

F. That the agencies (1) emphasize continued monitoring of habitat condition, trend, and utilization within herd management areas, and (2) develop and publish a policy statement that outlines the criteria that will be used and clearly articulates the basis for adjustments in wild horse and burro numbers.

G. That management for particular herd characteristics continue to be determined for each herd area through the planning process.

Research

A. That all research on wild horse and burro herds and habitats be coordinated by BLM at the national level; that BLM reevaluate long-term research needs when the results of research in progress are available; and that BLM establish and maintain a list of short-term, site-specific projects to be considered for a share of any future wild horse and burro research funding.

Legislation

A. That sale authority is not recommended at this time. The five-step process should be given priority for disposition of excess animals. If the five-step process does not prove effective, consideration should be given to this and other alternatives for disposition of excess wild horses and burros.

B. That Public Law 86-234 be amended to allow Federal agencies besides BLM and the Forest Service to use helicopters and motor vehicles to remove horses and burros from lands under their jurisdiction.

C. That the Wild Free-Roaming Horse and Burro Act be amended to replace the requirement for public hearings before the use of helicopters and motor vehicles with a requirement for public notification of such use.

D. That Section 1 of the Act be amended to delete the language indicating the animals are in danger of disappearing. The section should be further amended to establish, as a policy of Congress, that wild horses and burros are to be managed under the principles of multiple-use land management.

E. That Section 11 of the Act be amended to eliminate the joint biennial report requirement and replace it with an annual reporting requirement that can be incorporated in each agency's primary annual report to Congress.

To request a copy of the complete report, write to the BLM at the address below:

Bureau of Land Management (250)
Room 901 Premier Building
Washington, D.C. 20240

Appendix B.

Biennial Population Estimates by State for Wild Horses and Burros on Lands Administered by the Bureau of Land Management

State	(Number of Animals)							
	1974	1976	1978	1980	1982	1984	1986	1988
Wild Horses								
Arizona	115	107	70	125	150	115	115	204
California	3,000	4,230	3,700	2,897	3,320	4,106	2,354	1,755
Colorado	500	1,035	990	1,229	650	675	414	569
Idaho	500	874	1,200	935	880	881	706	449
Montana	325	257	300	232	200	141	157	128
Nevada	20,000	22,258	31,800	31,260	26,050	29,642	29,853	27,015
New Mexico	7,550	6,420	70	76	80	165	70	70
Oregon	5,265	7,493	4,050	3,458	3,270	3,748	3,149	2,549
Utah	1,000	1,803	2,150	1,714	1,330	1,636	1,254	1,319
Wyoming	4,411	8,833	9,700	10,448	9,000	7,959	4,684	3,764
TOTALS	42,666	53,310	54,030	52,374	44,930	48,998	42,756	37,822
Wild Burros								
Arizona	10,000	2,668	3,780	5,000	5,600	3,625	3,625	2,465
California[1]	3,200	3,072	3,845	6,152	4,850	5,900	2,765	1,369
Colorado	0	0	0	0	0	0	0	0
Idaho	8	9	10	16	20	0	0	1
Montana	0	0	0	0	0	0	0	0
Nevada	1,000	842	1,420	939	1,330	1,744	1,202	1,518
New Mexico	80	104	25	31	30	14	14	0
Oregon	16	25	0	20	20	25	25	25
Utah	50	70	80	13	20	50	34	86
Wyoming	20	0	0	0	0	0	0	0
TOTALS	14,374	6,790	9,160	12,171	11,870	11,358	7,665	5,464

[1] Because several burro herds roam freely between BLM-administered lands and lands under the jurisdiction of the National Park Service or Department of Defense, population estimates through 1984 had included some animals whose status was uncertain. This discrepancy was resolved in the figure reported for 1986, due in part to an aggressive removal program by the Park Service and the Defense Department.

Appendix C.

Biennial Population Estimates by State for Wild Horses and Burros on National Forest Land

State	(Number of Animals)							
	1974	1976	1978	1980	1982	1984	1986	1988
Wild Horses								
Arizona	7	5	3	8	5	7	5	5
California	828	1,037	1,381	1,397	1,006	496 [1,2]	581	500
Colorado	0	0	0	0	0	0	0	0
Idaho	34	5	0	7	7	3	4	0
Montana	8	9	8	8	8	20	0	10
Nevada	1,174	1,305	1,042	951	1,139	490 [2,3]	571	560
New Mexico	207	279	420	230	170	119	129	158
Oregon	215	295	215	225	485	205 [1,3]	180	170
Utah	45	90	103	121	74	47	55	50
Wyoming	23	0	0	0	0	0	0	0
TOTALS	2,541	3,025	3,172	2,947	2,894	1,387	1,525	1,443
Wild Burros								
Arizona	36	24	14	4	16	166 [3]	76	48
California	209	252	312	143	325	77 [1,2]	232	90
Colorado	0	0	0	0	0	0	0	0
Idaho	6	5	6	6	3	0	0	0
Montana	0	0	0	0	0	0	0	0
Nevada	13	15	28	16	40	15	17	15
New Mexico	5	15	30	35	32	25	25	25
Oregon	0	0	0	0	0	0	0	0
Utah	13	0	0	0	0	0	0	0
Wyoming	0	0	0	0	0	0	0	0
TOTALS	282	311	390	204	416	283	350	178

Reasons for significant differences between 1982 and 1984 population estimates:

[1] An aggressive capture program to bring population in line with management plan level.

[2] Elimination of duplicate counting by BLM and FS on overlapping territories.

[3] Improved census techniques.

Appendix D.

Summary of Forest Service Wild Horse and Burro Program Accomplishments for Fiscal Years 1986 and 1987

State	Territories		Management Plans Completed			1986-1987	
	No.	Acres	Prior to 1986	1986-1987	Total	Removals	Adoptions
AZ	3	42,964	2	0	2	18	0
CA	9	431,189	8	1	9	224	0
ID	1	4,246	1	0	1	5	0
MT	1	3,350	1	0	1	0	0
NV	16	1,250,421	7	3	10	0	0
NM	9	142,434	3	0	3	33	17
OR	2	100,660	2	0	2	44	0
UT	2	40,356	2	0	2	0	0
TOTALS	43	2,015,620	26	4	30	324	17 [1]

[1] Includes only those animals adopted independently of the BLM Adopt-A-Horse Program summarized elsewhere in the text.

Appendix E.

Summary of Bureau of Land Management Wild Horse and Burro Program Accomplishments for Fiscal Years 1986 and 1987

State	Herd Areas Monitored	Herd Management Area Plans	Inventory (000 acres)	Removals		Adoptions		Compliance Inspections (No. of Adopters)	Titles	
				Horses	Burros	Horses	Burros		Horses	Burros
Fiscal Year 1986										
AK	0	0	0	0	0	4	0	0	1	0
AZ	6	0	0	0	635	174	71	18	117	40
CA	29	3	0	392	417	518	135	96	177	64
CO	2	1	160	0	0	114	0	64	170	20
ID	8	0	0	110	0	45	13	17	171	3
MT	1	0	0	28	0	730	5	518	1,974	21
NV	100	0	2,691	5,213	231	134	11	9	32	1
NM	0	0	0	0	0	1,646	244	287	716	131
OR	15	0	0	976	0	87	71	18	149	35
UT	7	1	0	146	0	88	2	55	72	2
WY	12	0	3	1,978	0	149	30	40	325	23
ES	0	0	0	0	0	2,643	686	203	1,252	437
SUBTOTALS				8,843	1,283	6,332	1,268		5,156	777
TOTALS	180	5	2,854	10,126		7,600		1,325	5,933	
Fiscal Year 1987										
AK	0	0	0	0	0	0	0	0	2	0
AZ	5	0	0	0	587	209	60	35	116	53
CA	17	0	60	613	635	505	227	166	244	59
CO	2	0	0	0	0	270	4	62	126	0
ID	17	0	0	177	0	35	33	11	35	0
MT	2	0	0	24	0	5,110	6	1,519	758	2
NV	69	7	3,039	6,774	51	95	11	17	64	9
NM	1	0	0	21	0	1,279	189	249	897	66
OR	15	0	1,167	919	0	103	82	12	72	33
UT	13	1	0	191	0	106	17	34	87	2
WY	13	0	6,754	1,529	0	1,585	6	385	155	31
ES	0	0	0	0	0	2,324	520	366	1,603	238
SUBTOTALS				10,248	1,273	11,621	1,155		4,159	493
TOTALS	154	8	11,020	11,521[1]		12,776		2,856	4,652	

[1] About 2,200 of these removals were accomplished with FY 1986 funds obligated before October 1, 1987, although actual removals occurred in FY 1987.

Appendix F.

Wild Horse and Burro Herd Areas Administered by the Bureau of Land Management

State Herd Area Name	Acreage BLM	Acreage Other[1]	Herd Area Management Status	Horse AML	Horse POP	Burro AML	Burro POP
ARIZONA							
ALAMO	238,000	68,000	HMA	0	0	200	455
BIG HORN MTNS	116,000	8,000	REMOVE WHB	0	0	0	125
BIG SANDY	181,000	71,000	HMA	0	0	140	300
BLACK MTN	544,000	725,000	HMA	0	0	300	800
CERBAT MTN	10,000	8,000	HMA	20	100	0	0
CIBOLA-TRIGO	250,000	581,000	HMA	113	104	165	375
HAVASU	312,000	152,000	HMA	0	0	315	150
LAKE PLEASANT	78,000	104,000	HMA	0	0	75	60
LITTLE HARQUAHALA MTNS	53,000	14,000	REMOVE WHB	0	0	0	75
PAINTED ROCK	178,000	37,000	NO DECISION	0	0		25
TASSI-GOLD BUTTE	51,000	50,000	HMA	0	0	100	100
TOTALS	2,011,000	1,818,000		133	204	1,295	2,465
STATE HERD AREA ACREAGE:	3,829,000		STATE WHB AML: 1,428		STATE WHB POP: 2,669		
CALIFORNIA							
BITNER	43,550	7,110	HMA	20	27	0	0
BUCKHORN	62,320	3,320	HMA	63	64	0	0
CARTER RESERVOIR	21,880	1,320	HMA	25	32	0	0
CENTENNIAL	184,000	736,000	HMA	168	168	0	100
CHEMEHUEVI	332,400	58,600	HMA	0	0	150	150
CHICAGO VALLEY	262,200	13,800	HMA	28	17	28	0
CHOCOLATE-MULES	249,800	83,200	HMA	0	0	22	175
CIMA DOME	69,000	0	HMA	0	0	55	63
CLARK	173,100	0	HMA	0	0	44	69
COPPERSMITH	63,020	7,740	HMA	63	64	0	0
COYOTE CANYON	4,100	16,600	REMOVE WHB	0	30	0	0
DEAD MTN	29,200	19,400	REMOVE WHB	0	0	0	0
FORT SAGE	12,509	160	HMA	38	50	0	0
FOX HOG	1,138	5,480	HMA	63	59	0	0
GRANITE-PROVIDENCE MTN	136,500	0	REMOVE WHB	0	0	0	40
HIGH ROCK	114,447	653	HMA	85	95	0	0
KRAMER	8,300	5,500	HMA	0	0	0	20
LAVA BEDS	178,500	0	HMA	0	0	75	173
LEE FLAT	115,000	0	HMA	0	0	30	17
MASSACRE LAKES	39,959	771	HMA	15	16	0	0
MORONGO	25,400	13,700	REMOVE WHB	0	0	0	50
NEW RAVENDALE	18,500	9,060	HMA	15	10	0	0
NUT MTN	38,840	1,840	HMA	43	25	0	0
PALM CANYON	600	10,900	HMA	6	0	0	0
PANAMINT	425,500	425,500	REMOVE WHB	0	0	0	100
PICACHO	38,000	2,000	HMA	42	48	0	0

[1] Includes private land and land managed by the Forest Service and other Federal and State agencies.

Explanation of abbreviations:
AML = Appropriate Management Level
POP = Population as of October 1, 1987
HMA = Herd Management Area
WHB = Wild Horses and Burros

State Herd Area Name	Acreage BLM	 Other[1]	Herd Area Management Status	Horse AML	Horse POP	Burro AML	Burro POP
PIPER MTN	69,000	0	HMA	17	12	82	23
PIUTE MTN	30,100	0	REMOVE WHB	0	0	0	40
RED ROCK LAKES	12,475	4,420	HMA	21	50	0	0
SAND SPRING-LAST CHANCE	230,000	0	REMOVE WHB	0	0	0	17
SLATE RANGE	78,200	312,800	REMOVE WHB	0	0	0	100
TWIN PEAKS	653,905	139,727	HMA	725	900	93	100
WALL CANYON	47,877	1,400	HMA	20	73	0	0
WAUCOBA-HUNTER MTN	598,000	0	HMA	0	0	357	115
WOODS-HACKBERRY	19,700	19,700	HMA	6	15	0	17
TOTALS	4,387,020	1,900,701		1,463	1,755	936	1,369
STATE HERD AREA ACREAGE: 6,287,721			STATE WHB AML: 2,399		STATE WHB POP: 3,124		
COLORADO							
EAST DOUGLAS CREEK	148,153	16,579	HMA	95	147	0	0
LITTLE BOOKCLIFFS	27,065	816	HMA	125	135	0	0
NATURITA	19,700	5,640	REMOVE WHB	0	0	0	0
SANDWASH	154,960	2,800	HMA	160	210	0	0
SPRING CREEK	14,835	1,620	HMA	50	47	0	0
WEST DOUGLAS CREEK	271,936	30,352	REMOVE WHB	0	30	0	0
TOTALS	636,649	57,807		430	569	0	0
STATE HERD AREA ACREAGE: 694,456			STATE WHB AML: 430		STATE WHB POP: 569		
IDAHO							
BLACK MOUNTAIN	35,000	0	HMA	30	30	0	0
CHALLIS	154,150	10,570	HMA	260	259	0	1
HARD TRIGGER	70,000	0	HMA	66	70	0	0
MORGAN CREEK	17,952	0	REMOVE WHB	0	0	0	0
SANDS BASIN	15,000	0	HMA	22	22	0	0
SAYLOR CREEK	50,000	0	HMA	50	55	0	0
SHEEP MOUNTAIN	4,000	10,000	REMOVE WHB	0	0	0	0
WEST CRANE CREEK	10,000	0	NO DECISION		13	0	0
WILLOW CREEK	90,000	0	NO DECISION		0	0	0
TOTALS	446,102	20,570		428	449	0	1
STATE HERD AREA ACREAGE: 466,672			STATE WHB AML: 428		STATE WHB POP: 450		
MONTANA							
ERVIN RIDGE	14,720	560	REMOVE WHB	0	0	0	0
PRYOR MTN	30,093	16,718	HMA	121	128	0	0
TOTALS	44,813	17,278		121	128	0	0
STATE HERD AREA ACREAGE: 62,091			STATE WHB AML: 121		STATE WHB POP: 128		
NEVADA							
AMARGOSA VALLEY	10,000	13,000	HMA	19	19	1	1
ANTELOPE	359,180	9,782	HMA	303	782	0	0
ANTELOPE RANGE	83,009	48,751	REMOVE WHB	0	140	0	3
ANTELOPE VALLEY	400,000	1,500	HMA	164	366	0	0
APPLEWHITE	27,814	0	HMA	12	15	0	0

State Herd Area Name	Acreage BLM	 Other[1]	Herd Area Management Status	Horse AML	Horse POP	Burro AML	Burro POP
ASH MEADOWS	200,000	20,000	REMOVE WHB	0	0	0	0
AUGUSTA MTNS	210,000	6,000	HMA	684	745	0	0
BALD MTN	225,000	0	HMA	362	362	0	0
BLACK ROCK RANGE EAST	91,300	3,804	HMA	59	660	0	0
BLACK ROCK RANGE WEST	92,543	8,047	HMA	424	537	0	0
BLOODY RUNS	43,991	31,856	REMOVE WHB	0	0	0	0
BLUE DIAMOND	42,000	150	HMA	0	0		32
BLUE NOSE PEAK	86,695	0	HMA	10	10	0	0
BLUE WING MTNS	17,913	0	HMA	50	78	39	48
BUCK-BALD	627,030	0	HMA	700	1,081	0	0
BUFFALO HILLS	123,141	9,269	HMA	272	740	0	0
BULLFROG	126,900	700	HMA	12	12	218	218
BUTTE	143,065	0	HMA	60	202	0	0
CALICO MTN	155,594	1,572	HMA	514	905	0	0
CALLAGHAN	120,000	0	HMA	577	618	0	0
CHERRY CREEK	44,269	0	HMA	11	16	0	0
CHERRY CREEK NORTH	138,000	3,000	HMA	64	50	0	0
CLAN ALPINES	320,000	2,800	HMA	1,575	1,449	0	0
CLOVER CREEK	33,653	0	HMA	10	9	0	0
CLOVER MTNS	175,717	0	HMA	55	55	0	0
DEER LODGE CANYON	106,607	0	HMA	20	10	0	0
DELAMAR	190,234	1,336	HMA	95	95	0	0
DESATOYAS	124,000	0	HMA	225	225	0	0
DIAMOND	60,000	0	HMA	205	205	0	0
DIAMOND HILLS NORTH	70,000	0	HMA	50	30	0	0
DIAMOND HILLS SOUTH	10,500	0	HMA	36	95	0	0
DOBBIN	104,236	2,836	HMA		0	0	0
DOGSKIN MTN	7,600	0	HMA	19	51	0	0
DRY LAKE	496,500	0	HMA	82	96	0	0
EAST RANGE	310,605	120,790	REMOVE WHB	0	0	0	0
ELDORADO MTNS	10,000	71,000	HMA	0	0		72
EUGENE MTNS	39,540	37,989	REMOVE WHB	0	30	0	0
FISH CREEK	275,000	0	HMA	446	468	0	0
FISH LAKE VALLEY	14,000	10	HMA	62	62	12	12
FLANIGAN	16,260	1,000	HMA	359	390	0	0
FOX-LAKE RANGE	171,956	5,307	HMA	434	548	1	0
GARFIELD FLAT	146,800	3,200	HMA	364	132	0	0
GOLD BUTTE	14,700	100,000	HMA	0	0		428
GOLD MTN	92,000	50	HMA	19	19	0	0
GOLDFIELD	205,500	0	HMA	227	223	71	19
GOSHUTE	266,800	16,600	HMA	120	222	0	0
GRANITE PEAK	4,800	0	HMA	17	39	0	0
GRANITE RANGE	88,436	13,214	HMA	176	411	0	0
HIGHLAND PEAK	135,769	0	HMA	50	49	0	0
HORSE MTN	53,000	160	HMA	63	114	0	0
HORSE SPRING	18,000	12,000	REMOVE WHB	0	0	0	0
HOT CREEK	189,507	1,063	HMA	73	73	0	0
HOT SPRING MTNS	49,324	21,139	REMOVE WHB	0	0	0	0
HUMBOLDT	243,046	198,886	REMOVE WHB	0	0	0	0
JACKSON MTNS	274,510	8,490	HMA	215	245	0	0
JAKES WASH	67,045	0	HMA	20	20	0	0
KAMMA MTNS	54,573	2,872	HMA	50	34	0	1
KRUM HILLS	30,780	23,220	REMOVE WHB	0	0	0	0
LAHONTAN	10,500	1,000	HMA	42	143	0	0
LAST CHANCE	153,000	0	HMA	0	0	12	12
LAVA BEDS	231,744	0	HMA	375	1,626	40	90

State Herd Area Name	Acreage BLM	Acreage Other[1]	Herd Area Management Status	Horse AML	Horse POP	Burro AML	Burro POP
LITTLE FISH LAKE	180,000	0	HMA	138	138	0	0
LITTLE HUMBOLDT	64,075	8,406	HMA	107	168	0	0
LITTLE MTN	54,148	410	HMA	29	54	0	0
LITTLE OWYHEE	398,160	16,560	HMA	200	409	0	0
LUCKY STRIKE	160,000	56,000	HMA	0	40		38
MARIETTA	66,500	1,550	HMA	0	0	129	163
MAVERICK-MEDICINE	207,000	500	HMA	244	443	0	0
MCGEE MTN	50,000	0	HMA	0	0	41	0
MEADOW VALLEY MTNS	94,966	0	HMA	35	33	0	0
MILLER FLAT	90,901	240	HMA	50	49	0	0
MONTE CRISTO	155,330	73,610	HMA	96	145	0	0
MONTEZUMA PEAK	57,000	30	HMA	161	106	0	1
MORIAH	83,673	0	HMA		0	0	0
MORMON MTNS	175,423	0	HMA	27	27	0	0
MT STERLING-WALLACE CANYON	200,000	40,000	HMA	6	44	9	60
MUDDY MTNS	102,000	68,000	HMA	0	17	122	59
NEVADA WILD HORSE RANGE	394,500	0	HMA	2,000	2,921	0	0
NEW PASS-RAVENSWOOD	180,000	0	HMA	913	1,080	0	0
NIGHTENGALE MTNS	72,218	3,801	HMA	87	258	0	0
NORTH STILLWATER	131,104	1,325	HMA	82	170	0	0
OSGOOD MTNS	68,273	53,643	REMOVE WHB	0	0	0	0
OWYHEE	371,000	3,234	HMA	57	63	0	0
PAH RAH	8,000	18,000	REMOVE WHB	0	0	0	0
PALMETTO	71,000	200	HMA	184	184	0	0
PILOT MTN	495,000	800	HMA	466	1,158	0	0
PINE NUT	216,000	72,000	HMA	387	455	0	0
POTOSI	385,000	5,000	HMA	0	0		34
RATTLESNAKE	75,461	0	HMA	25	25	0	0
RED ROCK-BIRD SPRING	171,000	500	HMA		50	0	0
REVEILLE	397,051	3,665	HMA	165	165	0	0
ROBERTS MTN	266,166	0	HMA	127	132	0	0
ROCK CREEK	115,500	38,500	HMA	119	190	0	0
ROCKY HILLS	76,500	0	HMA	135	135	0	0
SAND SPRINGS EAST	386,776	0	HMA	494	636	0	0
SAND SPRINGS WEST	203,868	35	HMA	93	93	0	0
SEAMAN	340,100	0	HMA	84	190	0	0
SELENITE RANGE	126,186	3,903	REMOVE WHB	0	8	0	1
SEVEN MILE	275,000	0	HMA	105	159	0	0
SEVEN TROUGHS	130,161	17,749	HMA	215	100	64	148
SHAWAVE MTNS	88,927	18,214	HMA	100	268	0	0
SILVER PEAK	25,000	18,000	HMA	307	307	0	0
SLUMBERING HILLS	64,962	14,585	REMOVE WHB	0	0	0	0
SNOWSTORM MTNS	133,138	12,400	HMA	50	133	0	0
SONOMA RANGE	148,799	60,779	REMOVE WHB	0	0	0	0
SOUTH SHOSHONE	394,500	0	HMA	85	85	0	0
SOUTH SLUMBERING HILLS	15,181	14,585	REMOVE WHB	0	0	0	0
SOUTH STILLWATER	7,600	0	HMA	25	16	0	0
SPRUCE-PEQUOP	172,000	34,500	HMA	80	116	0	0
STONE CABIN	200,000	0	HMA	575	454	0	0
STONEWALL	21,800	0	HMA	13	141	34	65
TOANO	57,500	57,500	HMA	20	27	0	0
TOBIN RANGE	185,322	9,754	HMA	19	5	0	5
TRINITY RANGE	89,712	46,215	REMOVE WHB	0	30	0	0
TRUCKEE RANGE	91,664	78,084	REMOVE WHB	0	91	0	0
WARM SPRINGS CANYON	82,305	831	HMA	294	550	10	8
WASSUK	60,000	20,000	HMA	151	228	0	0

State Herd Area Name	Acreage BLM	 Other[1]	Herd Area Management Status	Horse AML	Horse POP	Burro AML	Burro POP
WHISTLER MTN	132,000	0	HMA	28	28	0	0
WHITE RIVER	98,534	0	HMA	20	20	0	0
WILSON CREEK	691,000	0	HMA	181	165	0	0
TOTALS	18,088,670	1,675,501		18,560	27,015	803	1,518
STATE HERD AREA ACREAGE:	19,764,171		STATE WHB AML: 19,363		STATE WHB POP: 28,533		
NEW MEXICO							
BORDO ATRAVESADO	16,492	3,113	HMA	30	70	0	0
GODFREY HILLS	27,746	14,517	REMOVE WHB	0	0	0	0
PUNCHE VALLEY	50,733	30,531	REMOVE WHB	0	0	0	0
TOTALS	94,971	48,161		30	70	0	0
STATE HERD AREA ACREAGE:	143,132		STATE WHB AML: 30		STATE WHB POP: 70		
OREGON							
ALVORD-TULE SPRINGS	121,323	41,040	HMA	107	103	0	0
ATTURBURY	5,985	1,183	REMOVE WHB	0	0	0	0
BASQUE	8,616	707	REMOVE WHB	0	24	0	0
BEATYS BUTTE	396,520	40,600	HMA	175	240	0	0
CHERRY CREEK	29,000	120,000	REMOVE WHB	0	0	0	0
COLD SPRINGS	27,363	800	HMA	113	172	0	0
COTTONWOOD BASIN	7,763	226	REMOVE WHB	0	0	0	0
COTTONWOOD CREEK	25,135	1,406	REMOVE WHB	0	0	0	0
COYOTE LAKE	173,370	29,731	HMA	188	133	0	0
DIAMOND CRATERS	48,077	750	REMOVE WHB	0	0	0	0
EAST WAGONTIRE	158,048	41,146	REMOVE WHB	0	58	0	0
HEATH CREEK-SHEEPSHEAD	64,539	8,261	HMA	82	44	0	0
HOG CREEK	23,817	236	HMA	40	80	0	0
JACKIES BUTTE	56,062	42	HMA	113	166	0	0
KIGER	36,618	3,042	HMA	67	94	0	0
LAKERIDGE	2,720	0	REMOVE WHB	0	0	0	0
MIDDLE FORK	37,885	3,349	REMOVE WHB	0	0	0	0
MORGER	170	17,102	REMOVE WHB	0	0	0	0
PAISLEY DESERT	324,600	5,960	HMA	85	72	0	0
PALOMINO BUTTES	84,697	13,799	HMA	48	36	0	0
POKEGAMA	16,486	64,400	HMA	38	36	0	0
POTHOLES	8,619	787	REMOVE WHB	0	17	0	0
PUEBLO-LONE MTN	274,061	33,209	REMOVE WHB	0	15	0	0
RHODES CANYON	13,000	33,000	REMOVE WHB	0	0	0	0
RIDDLE MTN	74,155	11,830	HMA	45	33	0	0
SAND SPRINGS	194,846	6,466	HMA	150	190	0	0
SECONT LAT	8,281	1,921	REMOVE WHB	0	0	0	0
SHEEPSHEAD	116,122	424	HMA	150	218	0	0
SOUTH CATLOW	63,120	38,600	REMOVE WHB	0	3	0	0
SOUTH STEENS	175,605	76,630	HMA	232	437	0	0
STINKING WATER	79,631	12,224	HMA	60	80	0	0
STOCKADE	16,801	10,065	REMOVE WHB	0	0	0	0
THREE FINGERS	62,322	8,546	HMA	113	102	0	0
WARM SPRINGS	456,855	51,536	HMA	157	196	25	25
TOTALS	3,192,212	679,018		1,963	2,549	25	25
STATE HERD AREA ACREAGE:	3,871,230		STATE WHB AML: 1,988		STATE WHB POP: 2,574		

State Herd Area Name	Acreage BLM	Acreage Other[1]	Herd Area Management Status	Horse AML	Horse POP	Burro AML	Burro POP
UTAH							
BIBLE SPRING	50,160	7,280	HMA	25	38	0	0
BLAWN WASH	37,110	4,170	HMA	17	43	0	0
BONANZA	101,160	16,430	REMOVE WHB	34	34	0	0
BURBANK	59,240	6,400	REMOVE WHB	0	0	0	0
CANYON LANDS	16,000	52,680	HMA	0	0	18	16
CEDAR MTN	117,540	65,184	HMA	85	125	0	0
CHLORIDE CANYON	8,855	4,120	HMA	30	35	0	0
CHOKE CHERRY	31,130	3,840	HMA	29	35	0	0
CONFUSION	235,005	37,285	HMA	115	70	0	0
CONGER	139,920	14,080	HMA	80	60	0	0
FOUR MILE	23,380	4,160	HMA	25	32	0	0
FRISCO	26,680	6,660	HMA	16	25	0	0
HARVEYS FEAR	23,040	0	REMOVE WHB	0	0	0	0
HILL CREEK	118,532	20,622	HMA	196	250	0	0
KINGTOP	134,847	14,720	HMA	40	30	0	0
MOODY-WAGON BOX MESA	38,231	0	REMOVE WHB	0	0	0	0
MT ELINOR	31,600	6,480	HMA	15	28	0	0
MUDDY CREEK	168,500	1,982	HMA	35	55	0	0
NORTH HILLS	35,573	35,422	HMA	65	70	0	0
ONAQUI MTN	34,495	9,385	HMA	45	55	0	0
OQUIRRH MTN	71,730	0	REMOVE WHB	0	0	0	0
RANGE CREEK	16,600	6,380	HMA	100	40	0	0
ROBBERS ROOST	121,370	15,180	HMA	10	10	0	0
SINBAD	217,670	25,480	HMA	14	45	50	70
SULPHUR	142,800	16,460	HMA	155	135	0	0
SWASEY	120,113	16,200	HMA	100	60	0	0
TILLY CREEK	26,480	5,520	HMA	21	39	0	0
WINTER RIDGE	15,000	0	REMOVE WHB	5	5	0	0
TOTALS	2,162,761	396,120		1,257	1,319	68	86
STATE HERD AREA ACREAGE:	2,558,881		STATE WHB AML: 1,325		STATE WHB POP: 1,405		
WYOMING							
ADOBE TOWN	386,600	27,700	HMA	500	697	0	0
ALKALI-SPRING CREEK	3,000	1,500	REMOVE WHB	0	0	0	0
CARTER	118,114	139,199	REMOVE WHB	0	0	0	0
CUMBERLAND	266,144	193,158	REMOVE WHB	0	0	0	0
DEER CREEK	9,750	55,250	REMOVE WHB	0	0	0	0
DIVIDE BASIN	562,702	216,213	HMA	500	660	0	0
FIFTEENMILE	69,273	13,418	HMA	100	117	0	0
FLAT TOP	218,400	27,500	HMA	70	38	0	0
FOSTER GULCH-DRY CREEK	116,500	6,400	REMOVE WHB	0	0	0	0
LABARGE	154,800	52,220	REMOVE WHB	0	28	0	0
LANDER	323,700	42,000	HMA	615	789	0	0
MCCULLOUGH PEAKS	86,160	24,260	HMA	100	100	0	0
NORTH GRANGER	248,107	274,138	REMOVE WHB	0	0	0	0
NORTH SHOSHONE	18,980	2,720	REMOVE WHB	0	0	0	0
SALT WELLS CREEK	584,077	397,883	HMA	365	477	0	0
SAND DRAW	9,560	640	REMOVE WHB	0	0	0	0
SEVEN LAKES	297,100	38,300	HMA	95	400	0	0
SLATE CREEK	229,365	41,805	REMOVE WHB	0	0	0	0
SOUTH DESERT-FIGURE FOUR	150,975	4,389	HMA	100	184	0	0
SOUTH GRANGER	107,500	108,320	REMOVE WHB	0	0	0	0
WHITE MTN	240,416	52,233	HMA	250	231	0	0
ZIMMERMAN	9,580	720	REMOVE WHB	0	43	0	0
TOTALS	4,210,803	1,719,966		2,695	3,764	0	0
STATE HERD AREA ACREAGE:	5,930,769		STATE WHB AML: 2,695		STATE WHB POP: 3,764		

SUMMARY OF BLM'S WILD HORSE AND BURRO HERD AREA DATA

HERD AREA ACREAGE

BLM	35,275,001
OTHER	8,333,122
TOTAL:	43,608,123

HERD AREA MANAGEMENT STATUS

		(NO. OF AREAS)
HMA	—	199
REMOVE WHB	—	68
NO DECISION	—	3

APPROPRIATE MANAGEMENT LEVELS

HORSES	27,080
BURROS	3,127
TOTAL WHB AML	30,207

POPULATION AS OF 10/1/87

HORSES	37,822
BURROS	5,464
TOTAL WHB POP	43,286

Appendix G.

Litigation Summaries

The following summaries give the status of wild horse and burro litigation in Fiscal Years 1986 and 1987.

RESOLVED

1. *Mountain States Legal Foundation* v. *Andrus;* Civil No. C-79-275K (D. Wyo., filed September 1979).

Issue: Plaintiffs brought suit contending that the Bureau of Land Management (BLM) had failed to maintain an ecological balance in its horse population; to protect and manage wild horses; and to remove wild horses from private lands upon request of the landowner. The plaintiffs sought an order that would require BLM to reduce the number of horses to a level that would prevent further damage to the horses, their habitat, and the ecological condition of the public lands. They also sought damages to cover forage losses and payment for each horse remaining on the checkerboard area. The plaintiffs also claimed that the former Director of BLM should be personally liable for damage caused by wild horses on private lands.

Status: In March 1981, the trial judge dismissed the former Director from any personal liability in the suit. However, the judge ruled in favor of the plaintiffs and ordered BLM to remove all wild horses from the checkerboard grazing lands in the Rock Springs District, except the number which the Rock Springs Grazing Association voluntarily agreed to leave. This removal was to be completed within 1 year of the order, and all excess wild horses within the Rock Springs District were to be removed within 2 years.

Both plaintiffs and BLM appealed the decision. However, the Tenth Circuit Court of Appeals dismissed these appeals because the trial court had failed to rule on all of the plaintiffs' claims.

A hearing was held in January 1982 to consider defendant's motion to amend the final order and to consider remaining issues in the case. On February 19, 1982, the trial judge denied compensation to the plaintiffs for forage consumed by wild horses. The court also amended its 1981 order in regard to management levels, removal deadline, and definition of "excess." The Mountain States Legal Foundation filed a Notice of Appeal with the Tenth Circuit Court of Appeals.

In July 1984, in a 2-1 decision, the Tenth Circuit Court of Appeals ruled that the Federal Government is responsible for damages to private lands caused by wild horses. The United States filed a petition for rehearing claiming that the ruling, if extended, could make the Government liable for damage by any protected wildlife species. On March 29, 1985, the Court agreed to withdraw its decision and rehear arguments in the case. In August 1986, in a 4-3 decision, the Court reversed its 1984 decision.

The plaintiffs appealed the final ruling of the Tenth Circuit Court to the Supreme Court. In March 1987 the Supreme Court let the ruling stand without comment.

2. *Sweetwater Ranch Company* v. *Clark,* No. CV-R-84-79-ECR (D. Nev., filed March 1984).

Issue: The plaintiff sought an order compelling the BLM to immediately remove wild horses that have strayed from public lands onto plaintiff's private lands. The complaint also asked the court to order the BLM to take necessary steps to prevent other wild horses from straying onto plaintiff's land. Plaintiff alleged that wild horses straying from public lands onto private lands were causing permanent, irreparable damage and consuming water that had been appropriated to the plaintiff.

Status: On May 15, 1984, the BLM filed an answer to plaintiff's complaint. In the summer of 1985, 380 horses were removed, bringing the herd down to 132 animals, a level well below that indicated by monitoring studies (391). In February, 1986, based on stipulation by both parties, the case was dismissed without prejudice.

PENDING

1. *Fallini* v. *Watt;* Civil No. 81-536-RDF (D. Nev., filed August 1981).

Issue: The plaintiff requested the court to require BLM to remove all wild horses from his private property and to prevent the animals from straying on the subject lands in the future. Plaintiff had asserted identical facts in an earlier case which was eventually dismissed.

Status: On October 4, 1984, the court decided in favor of the plaintiff, ruling that the BLM has a duty under the act to remove wild horses from private lands upon request of the landowner and to prevent their return. Based on this decision, an order was issued on November 20, 1984, enjoining the BLM "from suffering or permitting the presence of wild free-roaming horses and burros to hereafter be upon plaintiff's land." The government filed a notice of appeal in January 1985. Arguments were heard before the Ninth Circuit Court of Appeals in October 1985.

In February, 1986, the Ninth Circuit decided in favor of the government that there is no ministerial duty to keep wild horses from straying onto private lands once they have been removed. However, the case was remanded to the trial judge for his determination of a reasonable time frame in which the government must remove animals from private lands upon request.

Eventually, the issues in this case became part of a negotiated settlement.*

2. *Fallini, et al.* v. *Clark, et al.,* Civil No. CV-LV-84-040-HEC (D. Nev., filed January 1984).

Issue: The plaintiffs sought to set aside the BLM's land use planning decision for managing wild horses on the Reveille Allotment in Nevada. The complaint alleged that BLM, through inaction, was allowing wild horses to overpopulate the public lands resulting in "ecological imbalance." Plaintiffs further alleged that the number of wild horses in the area could not be allowed to exceed the level existing in 1971. The lawsuit was closely related to the previous case of *Fallini* v. *Watt.*

Status: The BLM filed an answer to plaintiffs' amended complaint. The parties entered into a stipulation extending discovery until March 19, 1985. Trial was set for September, 1985, but a change of venue to Reno was subsequently granted, and a new judge (Bruce Thompson) was assigned. In a bench ruling dated November 28, 1986, Judge Thompson decided in the plaintiffs' favor, ordering the BLM Nevada State Director to determine an optimum number of wild horses to be managed within the historical wild horse use area and to remove all wild horses in excess of that number before March 1, 1987.

The Nevada State Director determined that the appropriate management level for the herd area described by the court is 145 to 165 animals, and filed this number with the court on December 1, 1986. Removal of the excess animals was begun in January 1987 and completed in February.

On January 26, 1987, the Department of Justice filed a notice of appeal on behalf of the Department of the Interior. Meanwhile, representatives of the BLM and the plaintiffs worked towards a negotiated settlement of the issues in this suit and the previous Fallini action.*

3. *Animal Protection Institute of America, Inc., and the Fund for Animals, Inc.,* v. *Hodel, et al.* CV-R-85-365-HDM (D.Nev., filed July 1985; amended September 1985).

Issue: The original suit, filed by the Animal Protection Institute on July 16, 1985, named as defendants, in addition to the Secretary and BLM Director, various BLM officials in Nevada; and was limited in scope to conditions and practices at the wild horse maintenance facilities there. The suit alleged that the BLM's roundup, possession, and transportation of excess wild horses and burros are cruel and inhumane. The suit contended that the BLM had exacerbated the inhumane conditions by deliberately discouraging the adoption of these animals by individuals, by failing to provide adequate veterinary care, and by overcrowding the facilities.

Status: The lawsuit was amended on September 12, 1985, to add the Fund for Animals as a plaintiff and the BLM State Directors of Wyoming and Montana as defendants. An answer was filed to the amended complaint.

In July, 1986, the court denied a motion for extension of discovery by the plaintiffs, and directed the parties to negotiate a settlement. In August 1986 an agreement was reached on all points except for the large-scale adoption of horses under reduced or waived fee. In September, 1986, plaintiffs filed a motion for summary judgment on this issue. On October 10, 1986, defendants filed an opposition to plaintiffs' motion and a cross motion for summary judgment. A week later, plaintiffs filed "Reply Points and Authorities in Support of Plaintiffs' Motion for Summary Judgment." On November 13, defendants filed a

*On October 1, 1987, a memorandum of understanding was signed by all parties, who agreed to initiate the legal steps to effect a stipulated settlement.

reply memorandum on cross motions for summary judgment in support of the Secretary's interpretation of the law in regard to an animal's loss of status as a wild horse upon transfer of title and asked that it be upheld.

The District Court assigned the unresolved issue to a magistrate for review and recommendation. On March 27, 1987, the magistrate filed her report and recommended that the plaintiffs' motion for summary judgment be denied and that the defendants' cross motion for summary judgment be granted.

Plaintiffs filed an objection to the recommendation on April 10, 1987. Defendants filed a response to the objection on April 17, 1987.

On July 14, 1987, the U. S. District Court for Nevada issued its decision. The BLM was enjoined from adopting animals or transferring titles to adopters who have expressed an intent to use the animals for commercial purposes upon receipt of title. The decision stated, however, that the BLM is not required to inquire about adopters' intentions prior to approving adoptions or conveying titles or to reclaim animals whose titles had already passed to adopters.

In response to a request by the Department of the Interior, the Department of Justice filed a protective notice of appeal.

4. *Joe B. Fallini, Jr., Susan Fallini, and Helen Fallini* v. *Donald P. Hodel, Robert F. Burford, and Edward F. Spang.* CV-S-86-645-RDF (Filed July, 1986).

Issue: In the spring of 1984, plaintiffs modified several range improvements (wells), that had been authorized by range improvement permits in 1966, without seeking or obtaining authorization from BLM. The modifications consisted of sections of highway guardrail installed across gates to the waters at a height that allowed cattle to pass but excluded wild horses. On May 3, 1984, the Battle Mountain District Manager issued a decision cancelling the permits for the affected wells, citing unauthorized modification of the improvements. The permittee removed the guardrail from all the improvements except Deep Well, and appealed the decision as it pertained to that project. On September 27, 1984, an administrative law judge reversed the District Manager's decision in a ruling from the bench, and extended the ruling to the other well projects that had not been included in the appeal, directing the BLM to issue the required authorizations. The BLM appealed the decision to the IBLA. On June 12, 1986, the IBLA reversed the decision and remanded it to the BLM for appropriate action. The plaintiffs initiated this complaint for judicial review on July 2, 1986.

INACTIVE

1. *Bright-Holland Company et al.* v. *Watt;* Civil No. R-82-153-BRT (D. Nev., filed April 1982).

Issue: Plaintiffs sought a ruling requiring the BLM to remove wild free-roaming horses and burros from their private lands. They alleged the presence of wild horses had caused permanent damage to their lands and asked for compensation in the amount of $2,500,000, as well as a daily payment for each wild horse and burro remaining on their property.

Status: Plaintiffs filed a motion for summary judgment, arguing that there was no genuine issue of material fact, and they were entitled to judgment as a matter of law since (1) defendants were under a mandatory duty to arrange for the removal of wild horses on plaintiffs' private property, and (2) the diminution in value to their property as a result of the forage consumed by the wild horses was compensable under the Fifth Amendment.

Defendants filed a motion in opposition to summary judgment, arguing in part that a genuine issue of material fact existed as to the presence of wild horses on plaintiffs' property. Defendants also filed a motion to dismiss the compensation claim, arguing that the district court lacked subject matter jurisdiction over claims in excess of $10,000 founded on a constitutional taking. Both parties filed new memorandums.

The district court denied plaintiffs' motion for summary judgment, holding that a genuine issue of material fact did exist as to the presence of wild horses on plaintiffs' property. The court also dismissed plaintiff's claim for damages.

Plaintiffs have yet to ask the court for a calendar date to hold a trial or evidentiary hearing on their claim for removal of the wild horses. The case has been placed in inactive status on the Court's docket.

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